

Restriction of claims 6-9, (Group II) and claim 17 (Group IV) under 35 U.S.C. 120 is respectfully traversed. It is respectfully submitted that a search of the Group II claims (drawn to, *inter alia*, polypeptide of SEQ ID NO:2 would, of necessity include a search of the Group IV claim (drawn to an antibody specific thereto). Likewise, a search of the Group III claims (claims 10-16, drawn to a method of determining whether a substance binds to the protein of SEQ ID NO:2) would, of necessity, include a search of the Group IV claim (drawn to an antibody). §

As such, no savings of PTO resources will be achieved by enforcing the restriction requirement presently asserted. Accordingly, reconsideration and withdrawal of the requirement for restriction and/or regrouping of the claims, e.g., by combining Groups II, III and IV or in the alternative Groups II and III is respectfully requested. In order to be fully responsive, Applicants elect the invention defined by the Group I claims (i.e., claims 1-5) without prejudice to the prosecution of the non-elected claims in a related patent application.

Applicants retain the right to petition from the restriction requirement under 37 C.F.R. §1.144. Favorable reconsideration of the Restriction requirement is respectfully requested.

It is believed that the claims are in a condition for allowance and a notice to that effect is earnestly solicited.

If the Examiner believes that a telephone conference would be of value, he is requested to call the undersigned counsel at the number listed below.

Any additional fees required in connection with this submission may be taken from Merck Deposit Account No. 13-2755.

Respectfully submitted,

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